

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 831

**Introduced by Committee on Education (Goldberg (Chair),
Arambula, Coto, Hancock, Liu, Mullin, and Pavley)**

February 18, 2005

An act to amend Section 49436 of, ~~to amend, repeal, and add Section 52124.5 of,~~ and to repeal Section 32228.6 of, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 831, as amended, Committee on Education. Education.

(1) The existing School Safety and Violence Prevention Act declares the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. Existing law requires the Superintendent of Public Instruction to provide funds to school districts serving the specified pupils. Existing law makes the act inoperative on July 1, 2005, and repeals it on January 1, 2006.

This bill would delete the inoperative and repeal dates, extending the operation of the act indefinitely.

(2) Existing law, the Pupil Nutrition, Health, and Achievement Act of 2001, prohibits the sale of certain beverages and food items at elementary, middle, and junior high schools. Existing law requires the State Department of Education to monitor the implementation of that act and report its evaluation to the Legislature by January 1, 2005.

This bill would instead require the department to report its evaluation to the Legislature by May 1, 2005.

~~(3) Existing law establishes the Class Size Reduction Program, in which participating school districts are provided funding for each class in which the class size is reduced to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.~~

~~Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority based on grade level and, until July 1, 2009, requires the Controller to deduct a specified amount from the next principal apportionment to the school district for each class that the school district failed to reduce to a class size of 20.5 or fewer pupils.~~

~~Existing law requires a determination of whether annual average class enrollment exceeds 20.4 for classes for which funding is provided to a school district pursuant to the program, and requires an in-depth review when the auditor finds that average class enrollment exceeds 20.4, as specified.~~

~~This bill, instead, until July 1, 2009, would require a determination of whether average class enrollment exceeds 21.8, and would require an in-depth review when the auditor finds that average class enrollment exceeds 21.8, as specified.~~

~~(4)–~~

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 32228.6 of the Education Code is
- 2 repealed.
- 3 SEC. 2. Section 49436 of the Education Code is amended to
- 4 read:
- 5 49436. The department shall monitor the implementation of
- 6 Sections 49431, 49433, 49433.5, 49433.7, and 49433.9 and shall
- 7 report to the Legislature by May 1, 2005, its evaluation of all of
- 8 the following:
- 9 (1) The fiscal impact of the policies and standards developed
- 10 by school districts.

1 (2) The effect of this article upon school districts and pupils,
2 including an assessment of pupil responses and related findings.

3 (3) Recommendations for improvements or additions.

4 (4) The resulting changes in food and beverage sales at
5 schools.

6 ~~SEC. 3.—Section 52124.5 of the Education Code is amended to~~
7 ~~read:~~

8 ~~52124.5. (a) (1) The Controller shall include instructions,~~
9 ~~appropriate to the enforcement of subdivision (d) of Section~~
10 ~~52124, in the audit guide required by subdivision (a) of Section~~
11 ~~14502. These instructions shall include procedures for~~
12 ~~determining if the average class enrollment exceeds 21.8 for~~
13 ~~classes for which funding is provided to a school district pursuant~~
14 ~~to this chapter. The procedures to determine average class~~
15 ~~enrollment shall include criteria for employing sampling which~~
16 ~~will satisfy both of the following:~~

17 ~~(A) The number of classes to be reviewed shall be based on~~
18 ~~auditor judgment, but the selection of classes shall be done~~
19 ~~randomly.~~

20 ~~(B) For each class selected, the sample shall include at least 15~~
21 ~~days randomly selected from all instructional days which~~
22 ~~occurred between the first day of instruction and April 15,~~
23 ~~inclusively, of the school year.~~

24 ~~(2) (A) If the auditor concludes from the sample, based on his~~
25 ~~or her professional judgment, that average class size for the~~
26 ~~sampled classes is more than 21.8 when averaged over a period~~
27 ~~from the first day of instruction to April 15 of the school year,~~
28 ~~then the auditor shall conduct a more in-depth review. The~~
29 ~~in-depth review shall be either of the following:~~

30 ~~(i) A review of all instructional days for all classes for which a~~
31 ~~district has requested funding pursuant to Section 52126.~~

32 ~~(ii) A randomly selected sample of all classes and instructional~~
33 ~~days of sufficient size and designed in such a manner that the~~
34 ~~class size for each class, when averaged over the period from the~~
35 ~~first day of instruction to April 15, that the auditor can conclude~~
36 ~~that the average daily class size does not exceed 21.8 with an~~
37 ~~error of no more than 0.4 rate at 95 percent degree of confidence.~~

38 ~~(B) The school district shall make the determination as to~~
39 ~~which of the two in-depth review methods set forth in~~
40 ~~subparagraph (A) shall be used.~~

~~(b) This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 4. Section 52124.5 is added to the Education Code, to read:~~

~~52124.5. (a) (1) The Controller shall include instructions, appropriate to the enforcement of subdivision (d) of Section 52124, in the audit guide required by subdivision (a) of Section 14502. These instructions shall include procedures for determining if the average class enrollment exceeds 20.4 for classes for which funding is provided to a school district pursuant to this chapter. The procedures to determine average class enrollment shall include criteria for employing sampling which will satisfy both of the following:~~

~~(A) The number of classes to be reviewed shall be based on auditor judgment, but the selection of classes shall be done randomly.~~

~~(B) For each class selected, the sample shall include at least 15 days randomly selected from all instructional days which occurred between the first day of instruction and April 15, inclusively, of the school year.~~

~~(2) (A) If the auditor concludes from the sample, based on his or her professional judgment, that average class size for the sampled classes is more than 20.4 when averaged over a period from the first day of instruction to April 15 of the school year, then the auditor shall conduct a more in-depth review. The in-depth review shall be either of the following:~~

~~(i) A review of all instructional days for all classes for which a district has requested funding pursuant to Section 52126.~~

~~(ii) A randomly selected sample of all classes and instructional days of sufficient size and designed in such a manner that the class size for each class, when averaged over the period from the first day of instruction to April 15, that the auditor can conclude that the average daily class size does not exceed 20 with an error of no more than 0.4 rate at 95 percent degree of confidence.~~

~~(B) The school district shall make the determination as to which of the two in-depth review methods set forth in subparagraph (A) shall be used.~~

1 ~~(b) This section shall become operative on July 1, 2009.~~

2 ~~SEC. 5.~~

3 *SEC. 3.* This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 In order to ensure that the educational programs affected by
8 this act are properly implemented, it is necessary that this act
9 take effect immediately.

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